

2017 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2261

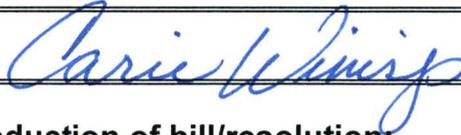
2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SB 2261
1/27/2017
Job Number 27526

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact sections 16.1-03-01, 16.1-03-02, 16.1-03-03, and 16.1-03-07 of the North Dakota Century Code, relating to the organization of political parties and caucuses within legislative districts.

Minutes:

Attachments: 1

Chairman Poolman: Opened the hearing on SB 2261.

Senator Myrdal, District 10: See Attachment #1 for testimony as sponsor and in support of the bill.

(6:55) Chairman Poolman:

Senator Bekkedahl: I am trying to focus on that issue that you said needed some amending. I am on Page 3, line 20.

Senator Myrdal: We are just clarifying that again. We already clarified it prior but we are trying to really tighten this up.

Senator Bekkedahl: Are you reinserting back in that line language somewhere the word "precinct" then?

Senator Myrdal: Yes. On page 3, line 20, it should say "if the legislative district chooses to organize that precinct" because it is a little unclear. We are trying to get the ambiguity out of it. The district chairs and committee are volunteers and they work very hard when we are not here to make sure legislators have their support and they don't need conflict with code.

Senator Bekkedahl: You talked about two districts collaborating for one meeting.

Senator Myrdal: Yes, we need to change that language and how to change that language I am kind of throwing it to you. Some districts need to do it.

Chairman Poolman: if you look at page 1, Section 1, Subsection 2, it talks about “the caucus must be held by every legislative district party at a site within the district”; that is what needs to be removed and you can say “must be held”

Senator Myrdal:

Chairman Poolman: is “duly elected” defined somewhere?

Senator Myrdal: It makes sense.

Chairman Poolman: When you talk about “duly elected”, is that defined somewhere? I am wondering if there were shenanigans?

Senator Myrdal: We are hoping that is reflecting that district would abide by their bylaws and duly elected these people. There are always going to be shenanigans. We have seen that many times in the districts. You can discuss what that legally means.

(11:25) Senator Armstrong, District 36: Testified in support of the bill on behalf of the North Dakota Republican Party as they state party Chairman. We have discussed this at our executive committee and it got unanimous approval to bring something forward. We discussed this at a state committee and it got unanimous approval to bring something forward. Essentially, what we would like you all to do for us, is let us deal with our urban and rural districts how our urban and rural districts see to deal with it. The difference between my district that has 4 counties and Fargo that covers 3 city blocks is extraordinarily different. How they each set precincts is incredibly different. I think it is important to note in this bill that if you want to do it as a precinct, nothing changes. We are not telling you you can't. We are just saying that for some of these rural districts it gets to be different. I think it goes with the tone and tenor of how all public – I have 47 district chairs and they all volunteer their time and anyone who takes these jobs cares. They are giving up a lot of their personal time. You start losing participation and it is not good for either party or the state. I do not want to micro-manage them as the state party chairman and I do not want the North Dakota legislature to either. I would like you to look at 16.1-13-14. That is the special election statute. This is a big deal. It is how we organize and how we pick people. There is some precinct language in there. Our request would be to let parties decide how they are going to send their delegates to their own special convention. If we do a terrible job, then we lose elections. That is the consequence at the end of the day for all of this. I think these are reasonable changes that more accurately reflect the way communities and people who, like grass roots activists, would like to see this.

(14:45) Chairman Poolman: In your reference to 16.1-13-14, special elections, is that a lot of precinct language that appears in that as well? Are people having to organize by precinct?

Senator Armstrong: It mentions the precinct the committee man – there is a lot of election stuff in here that could be more clear. I am not necessarily advocating that we tackle that whole thing a month into our legislative session. It will be something I will look at in the future, but we found out when we started looking at what would happen if Senator Heitcamp or Congressman Kramer would get appointed and the time constraints that are put in century code or statute – it is a huge task to get to that point and you have to do it quickly. This is

party stuff but some of it is dictated by code. We are not asking to reinvent the wheel, but I am asking to look at the precinct committee language and allow our precincts to pick delegates how they choose.

(16:50) Paul Henderson, District 10 Chair for Republican Party: Testified in support of the bill. This bill clears up a lot of language that we have been struggling with. This goes back 30 years; the Precincts were correlated to election sites. Then all of that changed in the late 80's when the counties consolidated and said that it was costing too much money to have all those election sites. That wiped out the precincts. From that day until now, we have been running on this gray area system where there is only one precinct in our county. To say we are going to organize by precincts is redundant. Some other counties have precincts still because they have different election sites by some do not. Going forward, these changes will clear up things very well. The option of getting the local districts the option of organizing how they choose. Logistically you are asking a lot to set up all those meeting and get it all done.

(19:20) Senator Bekkedahl: I think you are right and I think things are happening out there to accommodate the system that might not be accommodative in code yet. This is why it is timely to deal with this. In Williston, we have 6 precincts but we only have one voting location for the whole city. I think that is an accommodation that the county asked us to do because they operate and pay for the elections. I think the county auditor still uses precincts to relate to the districts. Doing what we are doing here allows for the accommodations to occur but it does not necessarily mean that what they are doing now cannot continue, is that correct?

Paul Henderson: That is correct in my interpretation. You see that over and over in different counties because the county commissioners are elected at large but yet you might have some city elections that want their precincts so that is how they are classified.

Chairman Poolman: for the purpose of political parties, I know I am in a very different district, we are urban and what we find is that we have some precincts that have 20 people coming from that precincts that want to be involved and then we have another precinct where no one shows up. You have all these people that want to be involved and you end up kind of squashing that involvement and going door to door to beg someone to be involved to represent that precinct. The challenges are different, but there are still challenges for all different districts based on the precinct model.

Paul Henderson: That is exactly right. As a district chair I see that. You have people that finally come to the meeting and you have to tell them they can't vote. This clears that up to a certain extent. You can use that system if you like but this represents more of the direction we would like.

(22:14) Senator Myrdal: In my district one county does not elect commissioners at large so even in that area it becomes very frustrating. On many levels the code is very unclear; even on a county level.

(22:45) Camburn Shephard, District 10 Resident: Testified in opposition of the bill. Looking at this in historical context, we just had an election across our country and if you extrapolate the situation back, when the founders of the constitution put in an electoral college as a compromise between city, states of different size, it was the idea that nobody

would become a loud voice in the wilderness that nobody would ever hear, not even the trees. My county does elect commissioners, not at large, but by district. The district is set up so that each area of the county is represented. We do have precincts. (Talked about personal experience in his own district.) I do not follow laws that might or might not happen, but I follow laws as they are. I like the idea that we were getting 20 members from precincts that have never shown up before because all of the sudden they felt that they could make a difference. We lost that and I was very disappointed. I recognize that there are changes in state demography and changes in idea. (Talked about the recent national election.) If you want to get rid of the precinct, which this will do, you will ignore people. Instead of revitalizing the party, like with the young people, you will have a hard time getting them back. Power corrupts absolutely. You are making changes to a system that really isn't broken. You need everyone to be heard and not just the ones that are politically connected at the time.

(29:05) Senator Bekkedahl: Thank you for your passion because that is what drives all of us. I made the comment that this language was not prohibitive but accommodative, do you see it as not even being accommodative?

Camburn Shephard: No. The only way that you would be able to counteract this is to try and get enough members from other precincts to literally force it. If you do this, an amendment that I would like to see is, if one person wants precinct participation or objection then it should be done as Century Code is written. It really follows electoral college. This section of code was written very wisely and we cannot lose that.

(31:23) Senator Vedaa: We just had a district meeting prior to coming to session, our district is a wide diverse area. We try to meet at a central location and we get 8 people at our meeting and I see frustration of these district chairs. Ours is very active and we try to do the best that we can. We did have an election that created a lot of people of coming to the polls so now because of the amount of people that came, we have 70 delegates that we can bring to our next convention. And we cannot get that many people to a meeting. I can see both sides of it. It is getting more difficult for these district chairs to run this.

Camburn Shephard: I have no issue with organizing at large. With some districts I understand. There are mileage and time limitations. I would just like the precinct to remain. I look back and there has been vibrant participation but it started dropping off but I expect it to return – everything goes in waves.

(35:20) Jim Silurm, Deputy Secretary of State: Testified in neutral capacity on the bill. I serve as a treasurer for District 31 so I can speak on all sides of this issue. I would like to inform the committee of certain things that have been stated so far. First it was stated that the precincts changed in 2011, actually it was the districts that changed. The committee should be aware that the precinct designation is a local control designation given under law to the counties and to the cities. Under law, those precincts must be reestablished by Dec 31st of every odd number year prior to an election cycle. If anyone has their input that is where their conversations should be as to the establishment of what the boundaries are for the precincts. It stated that the Secretary of State's office has not provided precinct information to the districts since then. We have not because that is the responsibility of the counties and cities. I would encourage people to go there. In District 31, we have active turnout as well, and we also cover 4 to 5 counties so we do have a hard time and we want

everyone that attends from far and near gets a chance to express their voice. Finally, the reason the number of polling locations have been consolidated over the years was primarily due to a result from Florida in the 2000 presidential election where you had chad issues. Out of that came the Help America Vote Act. That Act required that those chads would go away and required that new voting systems would be implemented in every location. It was a significant cost and it remains that way, so the number of locations has had to be reduced. On average, the voting equipment at each voting location is about \$10,000. It is being done for cost consideration, but that does not mean the number of precincts has to be reduced. That is a designation by the counties and cities. We had in the 50's close to 2000 precincts in the state and today we have about 400.

(40:00) Chairman Poolman: Closed the hearing on SB 2261.

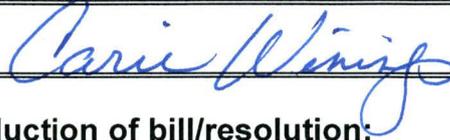
2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SB 2261
2/9/2017
Job Number 28103

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact sections 16.1-03-01, 16.1-03-02, 16.1-03-03, and 16.1-03-07 of the North Dakota Century Code, relating to the organization of political parties and caucuses within legislative districts; and to declare an emergency.

Minutes:

Attachments: 1

Chairman Poolman: Opened SB 2261 for committee discussion. See Attachment #1 for amendments proposed to committee. It still maintains the option to organize by precinct should districts want to still do that. But, it also gives them the option to organize at large. (1:32-2:30 explained amendments) We would also need to add an emergency clause so that as districts reorganize this spring, that would be an opportunity to be doing this at large.

Senator Bekkedahl: So we need to add a Section 5 Emergency Clause amendment, is that correct?

Chairman Poolman: That is correct.

Senator Vedaa: Moved amendments proposed. (Attachment #1)

Senator Marcellais: Seconded.

A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.

Motion Carried.

Senator Bekkedahl: Moved to Further Amend by adding a Section 5, Emergency Clause.

Senator Meyer: Seconded.

Chairman Poolman: This is to ensure that if we get this passed through both chambers, that the reorganization meetings this spring can be following these rules.

A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.

Motion Carried.

Senator Vedaa: Moved a Do Pass As Amended.

Senator Meyer: Seconded.

A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.

Motion Carried.

Senator Vedaa will carry the bill.

1 **Senate Bill No. 2261**

2
3 A BILL for an Act to amend and reenact sections 16.1-03-01, 16.1-03-02, 16.1-03-03,
4 and 16.1-03-07 of the North Dakota Century Code, relating to the organization of political
5 parties and caucuses within legislative districts.
6

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8
9 **SECTION 1. AMENDMENT.** Section 16.1-03-01 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **16.1-03-01. Precinct Party caucus to elect precinct committeemen - Time and manner**
12 **of holding - Caucus call - Notice.**

13 1. Each legislative district party shall organize in conformance with the state legislative
14 district boundaries as established by the legislative assembly and as set forth under
15 chapter 54-03.

16 2. On or before May fifteenth following the last preceding general election, a party
17 caucus must be held by every ~~election precinct~~ legislative district party ~~at a site within~~
18 ~~or reasonably close to the precinct in the manner provided in sections 16.1-03-01~~
19 ~~through 16.1-03-03~~ district. The legislative district party may organize the caucus by
20 precinct or on an at - large basis for the entire district.

21 3. The legislative district chairman of each party shall set the date and time for the
22 ~~Precinct party~~ caucus. If there is not a duly-elected district chairman in a legislative
23 district, the state party executive committee may issue the call for the ~~precinct~~ caucus.

24 The call must contain the following:

- 25 a. Name of party.
26 b. Legislative district ~~and precinct~~ number ~~or name~~.
27 c. Date of caucus.
28 d. Place of caucus.
29
30

1 e. Hours of caucus.

2 f. A statement of the business to be conducted, ~~including the election of precinct~~
3 ~~committeemen and such other individuals as may be provided by state law and~~
4 ~~district party bylaws.~~

5 g. The name of the district chairman or, if there is not a duly-elected district
6 chairman, the member of the state party executive committee issuing the call.

7 4. The district chairman or, if there is not a duly-elected district chairman, the state party
8 executive committee shall provide ten days' published notice in the official newspaper
9 in circulation ~~within each precinct~~ in the district. The notices must contain that
10 information set forth in subsection 3. ~~The information required by this section for all~~
11 ~~precincts in the district may be included in one notice for publishing purposes.~~

12 **SECTION 2. AMENDMENT.** Section 16.1-03-02 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **16.1-03-02. Who may participate in and vote at caucus.**

15 1. Only those individuals who are qualified electors under section 16.1-01-04 may vote or
16 be elected as ~~committeemen or officers~~ at the precinct party caucus.

17 ~~2. In case the right of an individual to participate at the caucus is challenged, the~~
18 ~~question of the individual's right to participate must be decided by a vote of the whole~~
19 ~~caucus. An individual so challenged may not vote on the question of the individual's~~
20 ~~right to participate in the caucus, and a two-thirds vote of the whole caucus is required~~
21 ~~to exclude an individual from participation.~~

22 ~~3-2.~~ An individual may not vote or participate at more than one precinct caucus in any one
23 year.

24 **SECTION 3. AMENDMENT.** Section 16.1-03-03 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 16.1-03-03. Political parties ~~entitled to~~ may elect committeemen.

27 ~~1. A political organization is entitled to elect a precinct committeeman at its precinct~~
28 ~~caucus if:~~

29 ~~a. The organization nominated and had printed on the ballot at the last preceding~~
0 ~~general election the names of a set of presidential electors pledged to the~~

1 election of the party's candidates for president and vice president or a candidate
2 for governor, attorney general, or secretary of state; and

3 ~~b. The candidates provided for in subdivision a received at least five percent of the~~
4 ~~total vote cast for presidential electors or for governor, attorney general, or~~
5 ~~secretary of state within this state at that election.~~

6 2. ~~Each~~ If a political party chooses to organize by precinct, the party in each voting
7 precinct of this state, ~~otherwise qualifying under subsection 1,~~ is entitled to elect one
8 precinct committeeman for each two hundred fifty votes, or majority of a fraction
9 thereof, cast for the party's presidential electors, governor, attorney general, or
10 secretary of state in the precinct in the last general election. ~~Each precinct is entitled to~~
11 ~~at least one precinct committeeman for each party which qualifies under subsection 1.~~
12 Each precinct committeeman must be an elector of the precinct in which the
13 committeeman resides and must be elected for a two-year term.

14 ~~3. If a political organization desires to organize under this chapter but has not qualified as~~
15 ~~provided in subsection 1, the organization may elect one precinct committeeman for~~
16 ~~each precinct in the district.~~

17 **SECTION 4. AMENDMENT.** Section 16.1-03-07 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **16.1-03-07. Meeting of district committee - Organization.**

20 1. If a political party chooses to organize by district in every odd-numbered year, the district
21 committee of each party shall meet within
22 fifteen days after the precinct caucus provided for in section 16.1-03-01. The day,
23 hour, and site must be set by the existing district committee chairman. Any incumbent
24 members of the legislative assembly from the party, ~~the precinct committeemen of a~~
25 ~~party, selected as provided by this chapter,~~ and any other individual provided for by the
26 district committee's bylaws constitute the district committee of the party. The district
27 committee of a party must be organized to coincide with the geographical boundary
28 lines of state legislative districts. Each member of any committee provided for in this
29 chapter must be a qualified elector.

30 2. ~~The precinct committeemen and the party's incumbent members of the legislative~~

February 9, 2017

CU
2/9/17

PROPOSED AMENDMENTS TO SENATE BILL NO. 2261

Page 1, line 3, after "districts" insert "; and to declare an emergency"

Page 1, line 13, overstrike "at a site within"

Page 1, line 14, overstrike "the"

Page 1, line 15, remove the first "district"

Page 3, line 20, overstrike "In" and insert immediately thereafter "If a legislative district chooses to organize by precinct in"

Page 4, after line 14, insert:

"**SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure."

Re-number accordingly

2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2261

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: Add Sect. 5 Emergency Clause

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Bekkedahl Seconded By Meyer

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	✓		Senator Marcellais	✓	
Vice Chairman Davison	AD				
Senator Bekkedahl	✓				
Senator Meyer	✓				
Senator Vedaa	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

2/9
3

Date:
Roll Call Vote #:

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2261

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Vedaa Seconded By Meyer

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	✓		Senator Marcellais	✓	
Vice Chairman Davison	Ab				
Senator Bekkedahl	✓				
Senator Meyer	✓				
Senator Vedaa	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Vedaa

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2261: Government and Veterans Affairs Committee (Sen. Poolman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2261 was placed on the Sixth order on the calendar.

Page 1, line 3, after "districts" insert "; and to declare an emergency"

Page 1, line 13, overstrike "at a site within"

Page 1, line 14, overstrike "the"

Page 1, line 15, remove the first "district"

Page 3, line 20, overstrike "In" and insert immediately thereafter "If a legislative district chooses to organize by precinct in"

Page 4, after line 14, insert:

"SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2017 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2261

2017 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union, State Capitol

SB 2261
3/16/2017
29330

- Subcommittee
 Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the organization of political parties and caucuses within legislative districts

Minutes:

Attachment 1

Vice Chair Louser opened the meeting and took attendance. He explained that Chairman Kasper was testifying on another bill, so we recessed for about 15 minutes.

Chairman Kasper opened the hearing on SB 2261.

Senator Janne Myrdahl appeared in support. Attachment 1. (:02:21-:04:27)

Rep. Olson: Explain the intent behind the big amendment in Section 2, Lines 17-21.

Senator Myrdahl: I think Kelly Armstrong can answer that better.

Rep. Karls: Line 16, Page 1, talks about an at large basis. Is that defined anywhere?

Senator Myrdahl: Not to my knowledge. This was Legislative Council's suggestion.

Rep. Karls: It may mean different things to different district chairs.

Senator Myrdahl: We are open to that as long as the districts aren't in conflict with the Century Code.

Rep. Karls: If your district decides to do it on an at large basis, whatever that means, and then later decides we are getting more urban, maybe we want to do it on a precinct basis, is there a mechanism where they can change?

Senator Myrdahl: Yes. It is on Page 3. We put an emergency clause on the Senate side because some district chairs are waiting to see what becomes of this during this session.

Rep. Schneider: Any discussion about making the terms in here gender neutral?

Senator Myrdahl: No, there wasn't.

Senator Kelly Armstrong appeared mainly as Chairman of the ND Republican Party. We have a significant number of our districts, both in the democratic and republican party, that are doing what is at large in general voting right now. The intent of this bill is not to give the party more power. It is to give the districts more power and to allow them to set it up. We have many volunteers who work a lot of hours for no pay. We are trying to get the code to more accurately reflect how people do it, and I think it is very important to know that anybody who does it by the precinct level, there is nothing in here that says they cannot do that. That would be a decision left to them at the local level. Regarding the major amendment, through the course of this presidential election and having both our democratic senator and our republican congressman in the limelight for being potential cabinet picks, it became clear that if we were going to have a special election, we were going to have to figure out how we were going to do that. The Century Code has some recommendations on it, and again, they mentioned precincts. The way we had decided to do it as a party was we were going to have a full on convention. Each district was going to go back and do a special district convention, and they were going to elect delegates. If you look at the truncated timeline of how that would have to occur for a special election, requiring and mentioning these precincts and how you have to do precincts before you do a delegate convention, etc., we were very concerned. We took it out and said let the districts figure out how they are going to pick their own delegates to go to the convention.

Rep. Olson: I am looking at the Section 2 amendment, Page 2, Lines 17-21 regarding excluding an individual from participation in the caucus.

Senator Armstrong: We had that set by party rule, and also that is the same thing, let the districts decide how they determine those things.

Rep. Olson: Is there something similar to this exclusion provision within the state party bylaws?

Senator Armstrong: There is a provision.

Chairman Kasper: He read Page 4, Line 10, No. 4. (:13:35-:14:05) Explain what you think this does and does not do.

Senator Armstrong: Sometimes we have a district chair that is no longer performing any of the duties. Currently, the way we read No. 4 is we don't really have a mechanism to go in there as a state party and have an election for a new district chair if we don't have contact with the existing one. What the amendment is asking for is if we have a district where we cannot get hold of anybody there, we can at least go in and try to start it up again.

Chairman Kasper: It is not the intent then that you are willing to start it up any other way than by following what this bill says?

Senator Armstrong: No. For the district chairman that has moved, dies, or doesn't exist anymore, we need to have a mechanism to go back into that district and get it started again.

Chairman Kasper: Referring to Lines 13-14, were you more concerned that you don't have district chair? You may have a district committee and not have a district chair. What is your intent there?

Senator Armstrong: My intent is just to if we can somebody organized to start it. I don't have enough time to go into districts and micromanage them, but I have somebody who would be willing to do it in a district.

Rep. Karls: How do you define at large basis?

Senator Armstrong: I mean it as a general vote. I think there are so many varying reasons and varying different ways people do it. As long as it is being run fairly and clearly outlined in their bylaws, let them do it. This is party function.

Rep. Karls: Anyone who shows up gets a vote and you have taken away the challenge mechanism. We have no more challenges under this. Correct?

Senator Armstrong: You have more challenge in the Century Code. That doesn't mean you don't have a challenge. The state party has a rule, and I would recommend that everybody has it in their bylaws as well.

Rep. Karls: Who regularly checks bylaws?

Senator Armstrong: We have always offered to help any districts with their bylaws, and the state party has a default set of bylaws.

Rep. Laning: My own district has operated this way for many years. We have the at large which in essence is the entire district. I am glad to see something like this. I think this is really necessary, so we are not violating state law by having that large district.

Senator Armstrong: Sometimes I go to a district convention, and they make a motion to suspend the rules. You can't make a motion to suspend the Century Code. It would be really nice if we get to a situation where the law accurately reflects how the vast majority, especially the rural counties, are doing this in both parties.

Chairman Kasper: The concern in allowing a district to organize at large is the following for me. Rep. Kempenich's district is from Bowman to Watford City. My concern is the disenfranchisement of voters in that district. For example, the district chair is from Bowman, calls the district meeting in Bowman, and people from Watford City don't want to drive to the meeting. Action is taken at the meeting that might be contrary to their interest, but they are not there. The potential exists that people from a large legislative district might be disenfranchised in that large situation. What is your response to that?

Senator Armstrong: Then there should be way more teeth in this bill, because that is exactly what is going on now in just about every large rural district. We have these hard stop deadlines in Century Code as to whether we want some things to happen, so if there is contention, we have run into this situation of there is no mechanism to reorganize. Politics is getting more and more divisive and more aggressive. If we are going to start the legal

tools to deal with how our volunteers reorganize, my concern is not getting anybody to volunteer at this point in time. I am talking about the grass roots work.

Chairman Kasper: I don't see in the bill whereby it would stipulate that the district would reorganize in a method following state law according to the district's bylaws.

Senator Armstrong: It doesn't. It allows them to reorganize either at large or by precinct and how they determine to do that is up to them.

Chairman Kasper: If you have no bylaws, who determines?

Senator Armstrong: I don't know.

Paul Henderson, District 10 Republican Chair, appeared in support. Our district is 100 miles long and 70 miles deep. To have more than one district meeting to reorganize is a burden. This bill allows us to have a choice. (Didn't have microphone on.) Came on :27:18.

Rep. Olson: What are your thoughts on the Section 2 amendment, Page 2, Lines 17-21?

Paul Henderson: Our local bylaws do not address that right now. I don't believe the party bylaws do either. I don't have a problem with that being it is statute.

Rep. Karls: Where do you hold your district meetings?

Paul Henderson: We rotate. We do that for a lot of our functions.

Rep. Karls: Do you elect precinct committee people at all?

Paul Henderson: We do not.

Rep. Karls: You basically have an executive district committee?

Paul Henderson: We have an executive committee.

Rep. Karls: Just the officers?

Paul Henderson: Officers and previous representatives and senators, and other people get appointed to that position as well.

Rep. Karls: If you have to carry on business of the district where you don't want to call a meeting for 400 people, how big is your core group then that handles the business of the district?

Paul Henderson: 12

Rep. Karls: They are all elected at large except for your present and former legislators?

Paul Henderson: Right. That is the way our bylaws are set up as well.

Chairman Kasper: Would you have any objection if this bill were amended to state that the district will reorganize according to the bylaws that stipulate how you reorganize?

Paul Henderson: I am not sure about that one. You are either saying you are going to codify that in statute to say that the bylaws have to address how the district reorganizes.

Chairman Kasper: The only two methods would be precinct or at large. The bylaws could say a third. It could say we will organize by at large unless we choose to do something differently in the future. At least your bylaws address the fact that you know that there are various ways to reorganize.

Paul Henderson: I wouldn't be opposed to that.

Senator Myrdahl: I think there is such a divide between how rural areas do it and how urban areas do it. Our experience has been that at large has been very positive for the engagement of our party.

Rep. Karls: If you were to lose a legislator in your district to death, moved away, or too ill to serve, what is your mechanism then for choosing a successor when an election has passed?

Senator Myrdahl: I am not sure this particular bill address that.

Chairman Kasper: If you don't have a district committee and you don't have an executive committee, and the state law says if there is a vacancy, you have the district committee or the executive committee will appoint. How do you handle it?

Senator Myrdahl: I think Page 4 handles that.

Rep. C. Johnson: We are basically just trying to allow a district to organize with or without precincts.

Senator Myrdahl: Correct. In the past it has been violation of the code.

Rep. C. Johnson: That language at large is somewhat confusing to some people. Maybe just leave that at large language out, and keep in the option to organize at the single district or a district with precincts.

Senator Myrdahl: I would be concerned about taking it out. At large literally means that. If there is a better word that you can come up with, I am certainly open to that.

Chairman Kasper closed the hearing.

2017 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

SB 2261
3/23/2017
29651

- Subcommittee
 Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the organization of political parties and caucuses within legislative districts

Minutes:

Attachment 1

Vice Chair Louser opened the meeting on SB 2261. Chairman Kasper was called out for an emergency.

Rep. Schneider: She explained her amendment. Attachment 1. (:01:58-:03:13) I move the amendment.

Rep. P. Anderson seconded the motion.

Rep. B. Koppelman: The word chairman is neutral much the way the word human is. I don't believe there is anybody that misunderstands a term that is gender neutral and always has been. I am going to resist the amendment.

Rep. P. Anderson: For me it is not gender neutral. If this motion passes, I am going to add an amendment that it all be changed to chairwoman, and see if you still feel that it is gender neutral.

Rep. B. Koppelman: If you were a female, I would refer to you as Madam Chairman, because I would be referencing the gender of the chairman in that way. I believe this language is written correct.

Rep. Olson: Woman comes from the old English wifman which means wife man, so I don't know if woman is a gender term either.

Rep. Steiner: I think it is fine and think we should pass it.

A roll call vote was taken. 7 Yeas, 6 Nays, 1 Absent.

Rep. Olson: I would like to propose an amendment where we remove the overstrikes on Page 2, Lines 17-21.

Rep. Vetter seconded the motion.

Rep. Olson: I think it is necessary to maintain this language until bylaws are more adequately produced at the state level.

Rep. Laning: I would agree. I have gone through a caucus where we utilized that particular method to eliminate someone that came into our caucus who was not qualified under parts of the code.

Rep. P. Anderson: Who challenges a person's right to be there?

Rep. Laning: Yes, anyone can challenge, but then it takes a vote of the entire body.

A roll call vote was taken. 13 Yeas, 0 Nays, 1 Absent.

Rep. Karls made a motion for a DO PASS AS AMENDED on SB 2261.

Rep. Laning seconded the motion.

Rep. C. Johnson: Were any of the amendments discussed with the bill sponsors?

Rep. B. Koppelman: I talked to Senators Armstrong and Myrdahl, and to them that wasn't the important part of the bill and did not care if it stayed in or out, but they understood what our concerns were.

A roll call vote was taken. 11 Yeas, 2 Nays, 1 Absent.

Rep. Laning will carry the bill.

2017 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Fort Union Room, State Capitol

SB 2261

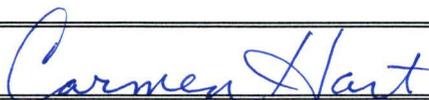
3/24/2017

29689

Subcommittee

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the organization of political parties and caucuses within legislative districts

Minutes:

Attachments 1-4

Vice Chair Louser opened the meeting on SB 2261. Chairman Kasper has been called out on an emergency.

Rep. Dockter made a motion to reconsider our actions on SB 2261.

Rep. Steiner seconded the motion.

A voice vote was taken. Motion carries.

Rep. Dockter: He explained the amendments. Attachment 1. I move the amendments.

Rep. B. Koppelman seconded the motion.

Rep. Schneider: I received a memo from Claire Ness of Legislative Council. Attachment 2. They are using chairperson as a term in their drafting manual. (:02:10-:06:43)

Rep. Laning: Why don't we just go to presiding officer?

Rep. B. Koppelman: Presiding officer would not necessarily be the appropriate term in the sense that the chairman and the vice chairman are appointed. A presiding officer could give the impression that it is anybody that is presiding over the committee. How often are we going to rewrite our code because we want to redefine what a term means? These terms have been used for a long time, and female chairmen have not, to my knowledge, been offended that once they established a chairmanship that they were referred to madam chairman for example. We need to make sure that we use common sense when looking at this. I do support this amendment.

Rep. Schneider: It is 2017 and it takes about 10 seconds to redefine and change a term. In most places from most people we have updated to gender equal terminology and treatment. Words do mean something.

Rep. Olson: Another bill that we passed yesterday, 2135, uses chairman twice. I don't think that word is excluding women in any way, because obviously a woman can be elected and appointed to any of those positions. I didn't like the amendment, because I think it is motivated by feelings rather than function. That is why I do support putting it back to the way it was.

Vice Chair Louser: I also checked with the Legislative Council office, and the response was the same as what Rep. Schneider received. He read what Jon Bjornson stated. (:15:50-:16:20)

A roll call vote was taken. 11 Yeas, 2 Nays, 1 Absent.

Rep. Dockter made a motion for a DO PASS AS AMENDED on SB 2261.

Rep. Rohr seconded the motion.

Rep. Dockter and **Rep. Rohr** withdrew their motions.

Rep. Schneider: She explained another amendment. Attachment 3. I move those amendments.

Rep. P. Anderson seconded the motion.

Rep. B. Koppelman: What is different in 3002 from 3001 from yesterday?

Rep. Schneider: 3001 was proposing gender neutral terms and 3002 will change the male terminology to female terminology.

Rep. B. Koppelman: Do you have anything from Legislative Council that would suggest that chairwoman could be meant to interpret both genders?

Rep. Schneider: It was read to you.

Rep. Laning: The code is Section 1-01-34.

Rep. Schneider: She referred to Page 2 of Attachment 2.

Rep. B. Koppelman: In this case, I don't know of any scenarios in our code where committeeman or committeewoman isn't a thing.

A roll call vote was taken. 2 Yeas, 11 Nays, 1 Absent. Motion fails.

Rep. Schneider: She handed out another amendment. Attachment 4. The democratic nonpartisan league would have the gender neutral term. I move the amendments.

Rep. P. Anderson seconded the motion. I would totally agree with this amendment. I am very much offended we wouldn't change from chairman to person or chairwoman.

Rep. B. Koppelman: Have we done any polling of any outside groups that are referred to in code such as the chamber, etc. regarding how they would like us to refer to their committee members?

Vice Chair Louser: I have no idea.

A roll call vote was taken. 2 Yeas, 11 Nays, 1 Absent. Motion fails.

Rep. Dockter made a motion for a DO PASS AS AMENDED on SB 2261.

Rep. B. Koppelman seconded the motion.

A roll call vote was taken. 11 Yeas, 2 Nays, 1 Absent.

Rep. Laning will carry the bill.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2261

Page 1, line 17, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 1, line 18, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 2, line 5, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 2, line 6, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 2, line 7, overstrike the first "chairman" and insert immediately thereafter "chairperson"

Page 2, line 7, overstrike the second "chairman" and insert immediately thereafter
"chairperson"

Page 2, line 26, overstrike "**committeemen**" and insert immediately thereafter
"**committeepersons**"

Page 3, line 8, overstrike "committeeman" and insert immediately thereafter "committeeperson"

Page 3, line 12, overstrike "committeeman" and insert immediately thereafter
"committeeperson"

Page 3, line 13, overstrike "committeeman" and insert immediately thereafter
"committeeperson"

Page 3, line 23, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 4, line 4, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 4, line 8, overstrike "chairman" and insert immediately thereafter "chairperson"

Renumber accordingly

3/23/17 DB

17.0721.03004
Title.04000

Adopted by the House Government and
Veterans Affairs Committee
March 23, 2017

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2261

Page 1, line 17, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 1, line 18, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 2, line 5, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 2, line 6, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 2, line 7, overstrike the first "chairman" and insert immediately thereafter "chairperson"

Page 2, line 7, overstrike the second "chairman" and insert immediately thereafter
"chairperson"

Page 2, remove the overstrike over lines 17 through 21

Page 2, line 22, remove the overstrike over "3."

Page 2, line 22, remove "2."

Page 2, line 26, overstrike "**committeemen**" and insert immediately thereafter
"**committeepersons**"

Page 3, line 8, overstrike "committeeman" and insert immediately thereafter "committeeperson"

Page 3, line 12, overstrike "committeeman" and insert immediately thereafter
"committeeperson"

Page 3, line 13, overstrike "committeeman" and insert immediately thereafter
"committeeperson"

Page 3, line 23, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 4, line 4, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 4, line 8, overstrike "chairman" and insert immediately thereafter "chairperson"

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2261

Page 1, line 17, overstrike "chairman" and insert immediately thereafter "chairwoman"

Page 1, line 18, overstrike "chairman" and insert immediately thereafter "chairwoman"

Page 2, line 5, overstrike "chairman" and insert immediately thereafter "chairwoman"

Page 2, line 6, overstrike "chairman" and insert immediately thereafter "chairwoman"

Page 2, line 7, overstrike the first "chairman" and insert immediately thereafter "chairwoman"

Page 2, line 7, overstrike the second "chairman" and insert immediately thereafter "chairwoman"

Page 2, line 26, overstrike "**committeemen**" and insert immediately thereafter "**committeewomen**"

Page 3, line 8, overstrike "committeeman" and insert immediately thereafter "committeewoman"

Page 3, line 12, overstrike "committeeman" and insert immediately thereafter "committeewoman"

Page 3, line 13, overstrike "committeeman" and insert immediately thereafter "committeewoman"

Page 3, line 23, overstrike "chairman" and insert immediately thereafter "chairwoman"

Page 4, line 4, overstrike "chairman" and insert immediately thereafter "chairwoman"

Page 4, line 8, overstrike "chairman" and insert immediately thereafter "chairwoman"

Re-number accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2261

- Page 1, line 17, overstrike "each" and insert immediately thereafter "the republican"
- Page 1, line 17, after "party" insert "or the district chairperson of the democratic-nonpartisan league party"
- Page 1, line 18, after "duly-elected" insert "republican"
- Page 1, line 18, after "chairman" insert "or democratic-nonpartisan league district chairperson"
- Page 2, line 5, after "the" insert "republican party"
- Page 2, line 5, after "chairman" insert "or democratic-nonpartisan league district chairperson"
- Page 2, line 5, after "duly-elected" insert "republican"
- Page 2, line 6, after "chairman" insert "or democratic-nonpartisan league district chairperson"
- Page 2, line 7, after "The" insert "republican"
- Page 2, line 7, after the first "chairman" insert "or democratic-nonpartisan league district chairperson"
- Page 2, line 7, after "duly-elected" insert "republican"
- Page 2, line 7, after the second "chairman" insert "or democratic-nonpartisan league district chairperson"
- Page 2, line 26, after "**elect**" insert "republican"
- Page 2, line 26, after "**committeemen**" insert "or democratic-nonpartisan league committeepersons"
- Page 3, line 7, after "one" insert "republican"
- Page 3, line 8, after "committeeman" insert "or democratic-nonpartisan league precinct committeeperson"
- Page 3, line 12, after "Each" insert "republican"
- Page 3, line 12, after "committeeman" insert "or democratic-nonpartisan league precinct committeeperson"
- Page 3, line 12, after the second "the" insert "republican"
- Page 3, line 13, after "committeeman" insert "or democratic-nonpartisan league committeeperson"
- Page 3, line 23, after "existing" insert "republican"
- Page 3, line 23, after "chairman" insert "or democratic-nonpartisan league district committee chairperson"
- Page 4, line 4, after the second "the" insert "republican"

Page 4, line 4, after "chairman" insert "or democratic-nonpartisan league district committee chairperson"

Renumber accordingly

3/29/17 DG

17.0721.03005
Title.05000

Adopted by the Government and Veterans
Affairs Committee
March 24, 2017

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2261

Page 2, remove the overstrike over lines 17 through 21

Page 2, line 22, remove the overstrike over "3."

Page 2, line 22, remove "2."

Renumber accordingly

Date: 3-23-17
 Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2261**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 17.0721.03001

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Schneider Seconded By P. Anderson

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman	<u>A</u>		Pamela Anderson	<u>X</u>	
Scott Louser-Vice Chairman	<u>X</u>		Mary Schneider	<u>X</u>	
Jason Dockter	<u>X</u>				
Craig A. Johnson		<u>X</u>			
Daniel Johnston		<u>X</u>			
Karen Karls		<u>X</u>			
Ben Koppelman		<u>X</u>			
Vernon Laning	<u>X</u>				
Christopher D. Olson		<u>X</u>			
Karen M. Rohr	<u>X</u>				
Vicky Steiner	<u>X</u>				
Steve Vetter		<u>X</u>			

Total (Yes) 7 No 6

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 3-23-17
 Roll Call Vote #: 2

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2261**

House Government and Veterans Affairs Committee
 Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Olson Seconded By Vetter

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman	A		Pamela Anderson	X	
Scott Louser-Vice Chairman	X		Mary Schneider	X	
Jason Dockter	X				
Craig A. Johnson	X				
Daniel Johnston	X				
Karen Karls	X				
Ben Koppelman	X				
Vernon Laning	X				
Christopher D. Olson	X				
Karen M. Rohr	X				
Vicky Steiner	X				
Steve Vetter	X				

Total (Yes) 13 No 0

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:
Remove overstrike 17-21, P. 2

Date: 3-23-17
 Roll Call Vote #: 3

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2261**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Karls Seconded By Laning

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman	<u>A</u>		Pamela Anderson	<u>X</u>	
Scott Louser-Vice Chairman	<u>X</u>		Mary Schneider		<u>X</u>
Jason Dockter	<u>X</u>				
Craig A. Johnson	<u>X</u>				
Daniel Johnston	<u>X</u>				
Karen Karls	<u>X</u>				
Ben Koppelman	<u>X</u>				
Vernon Laning	<u>X</u>				
Christopher D. Olson		<u>X</u>			
Karen M. Rohr	<u>X</u>				
Vicky Steiner	<u>X</u>				
Steve Vetter	<u>X</u>				

Total (Yes) 11 No 2

Absent _____

Floor Assignment Laning

If the vote is on an amendment, briefly indicate intent:

Date: 3-24-17
 Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2261**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Dockter Seconded By Steiner

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman			Pamela Anderson		
Scott Louser-Vice Chairman			Mary Schneider		
Jason Dockter					
Craig A. Johnson					
Daniel Johnston					
Karen Karls					
Ben Koppelman					
Vernon Laning					
Christopher D. Olson					
Karen M. Rohr					
Vicky Steiner					
Steve Vetter					

*voice
 vote
 motion
 carries*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 3-24-17
 Roll Call Vote #: 2

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2261**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Dockter Seconded By B. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman	<u>A</u>		Pamela Anderson		<u>X</u>
Scott Louser-Vice Chairman	<u>X</u>		Mary Schneider		<u>X</u>
Jason Dockter	<u>X</u>				
Craig A. Johnson	<u>X</u>				
Daniel Johnston	<u>X</u>				
Karen Karls	<u>X</u>				
Ben Koppelman	<u>X</u>				
Vernon Laning	<u>X</u>				
Christopher D. Olson	<u>X</u>				
Karen M. Rohr	<u>X</u>				
Vicky Steiner	<u>X</u>				
Steve Vetter	<u>X</u>				

Total (Yes) 11 No 2

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Overstrike chairperson and insert with Chairman

Date: 3-24-17
 Roll Call Vote #: 3

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2261**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 17.0721.03002

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Schneider Seconded By P. Anderson

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman	<u>A</u>		Pamela Anderson	<u>X</u>	
Scott Louser-Vice Chairman		<u>X</u>	Mary Schneider	<u>X</u>	
Jason Dockter		<u>X</u>			
Craig A. Johnson		<u>X</u>			
Daniel Johnston		<u>X</u>			
Karen Karls		<u>X</u>			
Ben Koppelman		<u>X</u>			
Vernon Laning		<u>X</u>			
Christopher D. Olson		<u>X</u>			
Karen M. Rohr		<u>X</u>			
Vicky Steiner		<u>X</u>			
Steve Vetter		<u>X</u>			

Total (Yes) 2 No 11

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 3-24-17
 Roll Call Vote #: 4

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2261**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 17.0721.03003

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Schneider Seconded By P. Anderson

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman	<u>A</u>		Pamela Anderson	<u>X</u>	
Scott Louser-Vice Chairman		<u>X</u>	Mary Schneider	<u>X</u>	
Jason Dockter		<u>X</u>			
Craig A. Johnson		<u>X</u>			
Daniel Johnston		<u>X</u>			
Karen Karls		<u>X</u>			
Ben Koppelman		<u>X</u>			
Vernon Laning		<u>X</u>			
Christopher D. Olson		<u>X</u>			
Karen M. Rohr		<u>X</u>			
Vicky Steiner		<u>X</u>			
Steve Vetter		<u>X</u>			

fails

Total (Yes) 2 No 11

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 3-24-17
 Roll Call Vote #: 5

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2261**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Dockter Seconded By B. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman	<u>A</u>		Pamela Anderson		<u>X</u>
Scott Louser-Vice Chairman	<u>X</u>		Mary Schneider		<u>X</u>
Jason Dockter	<u>X</u>				
Craig A. Johnson	<u>X</u>				
Daniel Johnston	<u>X</u>				
Karen Karls	<u>X</u>				
Ben Koppelman	<u>X</u>				
Vernon Laning	<u>X</u>				
Christopher D. Olson	<u>X</u>				
Karen M. Rohr	<u>X</u>				
Vicky Steiner	<u>X</u>				
Steve Vetter	<u>X</u>				

Total (Yes) 11 No 2

Absent 1

Floor Assignment Laning

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2261, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2261 was placed on the Sixth order on the calendar.

Page 2, remove the overstrike over lines 17 through 21

Page 2, line 22, remove the overstrike over "~~3~~."

Page 2, line 22, remove "2."

Renumber accordingly

2017 TESTIMONY

SB 2261

SB2261

Mr. Chairman and members of the committee. My name is Senator Janne Myrdal from District 10 which covers Cavalier, Pembina and Western Walsh County.

I am here as the sponsor of SB2261, a bill to amend the Century Code relating to the organization of political parties and caucuses.

The need for this bill has come to the forefront numerous times out in the Districts during the past several years. Several District Party Chairs and Committees have expressed deep concerns over current code as it stands. It directs local districts to organize using precincts, while a majority of said districts have not used this form of organization for up to decades and it is also not in concurrence with their bylaws, therefore utterly confusing and has led to potential legal issues. The changes made in SB2261 is after a large collaborative effort between District Chairs, State Party officials and legislators.

We feel the changes set before you here, which provides for districts to organize either via precincts as provided for on page 3, line 6-13, or At Large is the best solution.

Other changes relate to smaller items including adding "Duly elected" to several lines throughout for clarification. And also repealing redundancy and/or repealing language relating to precincts, and creating a separate clear statement on precincts procedures IF a district chooses to use this method of organizing.

Mr. Chairman, it has been a long process to come to consensus on the language in SB2261 and I respectfully ask your committee for a Do Pass.

Senate Bill No. 2261

A BILL for an Act to amend and reenact sections 16.1-03-01, 16.1-03-02, 16.1-03-03, and 16.1-03-07 of the North Dakota Century Code, relating to the organization of political parties and caucuses within legislative districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-03-01 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-01. ~~Precinct Party caucus to elect precinct committeemen~~ - Time and manner of holding - Caucus call - Notice.

1. Each legislative district party shall organize in conformance with the state legislative district boundaries as established by the legislative assembly and as set forth under chapter 54-03.

2. On or before May fifteenth following the last preceding general election, a party caucus must be held by every ~~election precinct~~ legislative district party ~~at a site within or reasonably close to the precinct in the manner provided in sections 16.1-03-01 through 16.1-03-03~~ district. The legislative district party may organize the caucus by precinct or on an at - large basis for the entire district.

3. The legislative district chairman of each party shall set the date and time for the ~~Precinct party~~ caucus. If there is not a duly-elected district chairman in a legislative district, the state party executive committee may issue the call for the ~~precinct~~ caucus.

The call must contain the following:

- a. Name of party.
- b. Legislative district ~~and precinct~~ number ~~or name~~.
- c. Date of caucus.
- d. Place of caucus.

1 e. Hours of caucus.

2 f. A statement of the business to be conducted, ~~including the election of precinct~~
3 ~~committeemen and such other individuals as may be provided by state law and~~
4 ~~district party bylaws.~~

5 g. The name of the district chairman or, if there is not a duly-elected district
6 chairman, the member of the state party executive committee issuing the call.

7 4. The district chairman or, if there is not a duly-elected district chairman, the state party
8 executive committee shall provide ten days' published notice in the official newspaper
9 in circulation ~~within each precinct~~ in the district. The notices must contain that
10 information set forth in subsection 3. ~~The information required by this section for all~~
11 ~~precincts in the district may be included in one notice for publishing purposes.~~

12 **SECTION 2. AMENDMENT.** Section 16.1-03-02 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **16.1-03-02. Who may participate in and vote at caucus.**

15 1. Only those individuals who are qualified electors under section 16.1-01-04 may vote or
16 be elected as ~~committeemen~~ or officers at the precinct party caucus.

17 ~~2. In case the right of an individual to participate at the caucus is challenged, the~~
18 ~~question of the individual's right to participate must be decided by a vote of the whole~~
19 ~~caucus. An individual so challenged may not vote on the question of the individual's~~
20 ~~right to participate in the caucus, and a two-thirds vote of the whole caucus is required~~
21 ~~to exclude an individual from participation.~~

22 ~~3.2.~~ An individual may not vote or participate at more than one precinct caucus in any one
23 year.

24 **SECTION 3. AMENDMENT.** Section 16.1-03-03 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 16.1-03-03. Political parties ~~entitled to~~ may elect committeemen.

27 1. A political organization is entitled to elect a precinct committeeman at its precinct
28 caucus if:

29 a. ~~The organization nominated and had printed on the ballot at the last preceding~~
30 ~~general election the names of a set of presidential electors pledged to the~~

1 election of the party's candidates for president and vice president or a candidate
2 for governor, attorney general, or secretary of state; and

3 b. The candidates provided for in subdivision a received at least five percent of the
4 total vote cast for presidential electors or for governor, attorney general, or
5 secretary of state within this state at that election.

6 2. Each If a political party chooses to organize by precinct, the party in each voting
7 precinct of this state, ~~otherwise qualifying under subsection 1,~~ is entitled to elect one
8 precinct committeeman for each two hundred fifty votes, or majority of a fraction
9 thereof, cast for the party's presidential electors, governor, attorney general, or
10 secretary of state in the precinct in the last general election. ~~Each precinct is entitled to~~
11 ~~at least one precinct committeeman for each party which qualifies under subsection 1.~~
12 Each precinct committeeman must be an elector of the precinct in which the
13 committeeman resides and must be elected for a two-year term.

14 3. ~~If a political organization desires to organize under this chapter but has not qualified as~~
15 ~~provided in subsection 1, the organization may elect one precinct committeeman for~~
16 ~~each precinct in the district.~~

17 **SECTION 4. AMENDMENT.** Section 16.1-03-07 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **16.1-03-07. Meeting of district committee - Organization.**

20 1. If a political party chooses to organize by district in every odd-numbered year, the district
21 committee of each party shall meet within
22 fifteen days after the precinct caucus provided for in section 16.1-03-01. The day,
23 hour, and site must be set by the existing district committee chairman. Any incumbent
24 members of the legislative assembly from the party, ~~the precinct committeemen of a~~
25 ~~party, selected as provided by this chapter,~~ and any other individual provided for by the
26 district committee's bylaws constitute the district committee of the party. The district
27 committee of a party must be organized to coincide with the geographical boundary
28 lines of state legislative districts. Each member of any committee provided for in this
29 chapter must be a qualified elector.

30 2. ~~The precinct committeemen and the party's incumbent members of the legislative~~

Attachment 1
2261
3-16-17

SB2261

Mr. Chairman and members of the committee. My name is Senator Janne Myrdal from District 10 which covers Cavalier, Pembina as well as Western Walsh County.

I am here as the sponsor of SB2261, a bill to amend the Century Code relating to the organization of political parties and caucuses.

The need for this bill has come to the forefront numerous times out in the Districts during the past several years. Several District Party Chairs and Committees have expressed deep concerns over current code as it stands. It directs local districts to organize primarily using precincts, while a majority of said districts have not used this form of organization for decades and it is also not in concurrence with most current bylaws, therefore utterly confusing and has led to potential legal issues. The changes made in SB2261 are the result of large collaborative efforts between District Chairs, State Party officials, legislators and constituents.

We feel the changes set before you here, which provides for districts to organize either via precincts as provided for on page 3, line 6-13, or At Large, is the best solution.

Other changes relate to smaller items including adding "Duly elected" to several lines throughout for clarification. And also repealing redundancy and/or repealing language relating to precincts, and creating a separate clear statement on precincts procedures IF a district chooses to use this method of organizing.

MR. Chairman, this has been a long process to come to consensus on the language in SB2261 and I respectfully ask your committee for a Do Pass.

17.0721.03001
Title.

Prepared by the Legislative Council staff for
Representative Schneider
March 17, 2017

Attachment 1

2261

3-23-17

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2261

Page 1, line 17, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 1, line 18, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 2, line 5, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 2, line 6, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 2, line 7, overstrike the first "chairman" and insert immediately thereafter "chairperson"

Page 2, line 7, overstrike the second "chairman" and insert immediately thereafter "chairperson"

Page 2, line 26, overstrike "**committeemen**" and insert immediately thereafter "**committeepersons**"

Page 3, line 8, overstrike "committeeman" and insert immediately thereafter "committeeperson"

Page 3, line 12, overstrike "committeeman" and insert immediately thereafter "committeeperson"

Page 3, line 13, overstrike "committeeman" and insert immediately thereafter "committeeperson"

Page 3, line 23, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 4, line 4, overstrike "chairman" and insert immediately thereafter "chairperson"

Page 4, line 8, overstrike "chairman" and insert immediately thereafter "chairperson"

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2261

Page 1, line 17, overstrike "chairperson" and insert immediately thereafter "chairman"

Page 1, line 18, overstrike "chairperson" and insert immediately thereafter "chairman"

Page 2, line 5, overstrike "chairperson" and insert immediately thereafter "chairman"

Page 2, line 6, overstrike "chairperson" and insert immediately thereafter "chairman"

Page 2, line 7, overstrike the first "chairperson" and insert immediately thereafter "chairman"

Page 2, line 7, overstrike the second "chairperson" and insert immediately thereafter "chairman"

Page 2, line 26, overstrike "**committeepersons**" and insert immediately thereafter "**committeemen**"

Page 3, line 8, overstrike "Committeeperson" and insert immediately thereafter "committeeman"

Page 3, line 12, "Committeeperson" and insert immediately thereafter "committeeman"

Page 3, line 13, "Committeeperson" and insert immediately thereafter "committeeman"

Page 3, line 23, overstrike "chairperson" and insert immediately thereafter "chairman'

Page 4, line 4, overstrike "chairperson" and insert immediately thereafter "chairman'

Page 4, line 8, overstrike "chairperson" and insert immediately thereafter "chairman'

Renumber accordingly

Attachment 2
2261
3-24-17

Ness, Claire J.

From: Ness, Claire J.
Sent: Thursday, March 16, 2017 2:12 PM
To: Schneider, Mary
Subject: amendments

Rep. Schneider,

I received your note and will be very happy to draft your three amendments. (I was present at the hearing when you asked about this issue.) Our drafting policy is to use gender-neutral terms where possible. The use of "chairman" in the bill is a holdover from earlier practices; we would normally use "chairperson" as a default now. We also have a provision in state law that says any gendered term is interpreted to include other genders.

Thank you,
Claire

Claire J. Ness
Counsel
Legislative Council
600 East Boulevard Avenue
Bismarck, ND 58505
(701) 328-3208

P. 361
3-24-17

2168

Mary,
my apologies,
but please see
below -
Claire

CONSISTENCY

Be consistent throughout the bill or resolution. For example, do not refer to the "state engineer" in one sentence and the "chief engineer" in another sentence when referring to the same official. Be consistent in the use of ordinary words. For example, do not use "minor" in one sentence, "child" in another, and "juvenile" in another. Use of synonyms adds variety but may cause confusion. Courts will assume that use of different terms was intended to have different purposes.

GENDER

Avoid using **he** or **she** and **his** or **her** when referring to a person affected by a statute. When consistent with the standards of precision and clarity, use sex-neutral words, such as applicant, applicant's, candidate, candidate's, commissioner, commissioner's, individual, individual's, person, person's, etc. With respect to making a law sex neutral, it should be noted that Section 1-01-34 provides that words of one gender include the other genders. In English, gender is related to sex or lack of sex. The genders are masculine, feminine, and neuter, e.g., he, she, and it.

Avoid the temptation to create or use an artificial term to avoid gender, such as describing the "chairman" as the "chair" or "chairperson". Use "presiding officer" or other appropriate term.

Avoid use of a plural pronoun with a singular subject to avoid gender, such as stating that "a person shall use their discretion . . ." Use the possessive form of the subject, such as "person's" or think of a way to restate your objective. The phrase "in his discretion" should simply be changed to "may".

SINGULAR NUMBER

Use the singular number whenever possible. Avoid using phrases containing singular and plural numbers, such as person or persons, rule or rules, statute or statutes, etc. Section 1-01-35 provides that words used in the singular number include the plural and words used in the plural number include the singular, except when a contrary intention plainly appears. Adding "(s)" to the end of a word, in an attempt to make it both singular and plural, is improper.

ACTIVE VOICE

Use the active voice for conciseness and clarity. Voice indicates the relationship between the verb and its subject. The active voice emphasizes the one performing the action and is more direct. The passive voice emphasizes the receiver of the action and generally results in longer sentences with greater opportunity for ambiguity.

Passive	An order may be issued for payment of the fee by the commissioner to the applicant.
Active	The commissioner may order the applicant to pay the fee.
Passive	The fee must be paid to the commissioner.
Active	The applicant shall pay the fee to the commissioner.

Begin a sentence with a subject and consider who is being authorized, directed, or prohibited to act.

USE OF SHALL, MUST, MAY, MAY NOT, AND IS ENTITLED TO

Shall is used to qualify an active verb. **Must** is used to qualify an inactive verb or an inactive verb in the passive voice.

17.0721.03002
Title.

Prepared by the Legislative Council staff for Representative Schneider
March 17, 2017 3-24-17

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2261

Page 1, line 17, overstrike "chairman" and insert immediately thereafter "chairwoman"

Page 1, line 18, overstrike "chairman" and insert immediately thereafter "chairwoman"

Page 2, line 5, overstrike "chairman" and insert immediately thereafter "chairwoman"

Page 2, line 6, overstrike "chairman" and insert immediately thereafter "chairwoman"

Page 2, line 7, overstrike the first "chairman" and insert immediately thereafter "chairwoman"

Page 2, line 7, overstrike the second "chairman" and insert immediately thereafter "chairwoman"

Page 2, line 26, overstrike "**committeemen**" and insert immediately thereafter "**committeewomen**"

Page 3, line 8, overstrike "committeeman" and insert immediately thereafter "committeewoman"

Page 3, line 12, overstrike "committeeman" and insert immediately thereafter "committeewoman"

Page 3, line 13, overstrike "committeeman" and insert immediately thereafter "committeewoman"

Page 3, line 23, overstrike "chairman" and insert immediately thereafter "chairwoman"

Page 4, line 4, overstrike "chairman" and insert immediately thereafter "chairwoman"

Page 4, line 8, overstrike "chairman" and insert immediately thereafter "chairwoman"

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2261

- Page 1, line 17, overstrike "each" and insert immediately thereafter "the republican"
- Page 1, line 17, after "party" insert "or the district chairperson of the democratic-nonpartisan league party"
- Page 1, line 18, after "duly-elected" insert "republican"
- Page 1, line 18, after "chairman" insert "or democratic-nonpartisan league district chairperson"
- Page 2, line 5, after "the" insert "republican party"
- Page 2, line 5, after "chairman" insert "or democratic-nonpartisan league district chairperson"
- Page 2, line 5, after "duly-elected" insert "republican"
- Page 2, line 6, after "chairman" insert "or democratic-nonpartisan league district chairperson"
- Page 2, line 7, after "The" insert "republican"
- Page 2, line 7, after the first "chairman" insert "or democratic-nonpartisan league district chairperson"
- Page 2, line 7, after "duly-elected" insert "republican"
- Page 2, line 7, after the second "chairman" insert "or democratic-nonpartisan league district chairperson"
- Page 2, line 26, after "**elect**" insert "republican"
- Page 2, line 26, after "**committeemen**" insert "or democratic-nonpartisan league committeepersons"
- Page 3, line 7, after "one" insert "republican"
- Page 3, line 8, after "committeeman" insert "or democratic-nonpartisan league precinct committeeperson"
- Page 3, line 12, after "Each" insert "republican"
- Page 3, line 12, after "committeeman" insert "or democratic-nonpartisan league precinct committeeperson"
- Page 3, line 12, after the second "the" insert "republican"
- Page 3, line 13, after "committeeman" insert "or democratic-nonpartisan league committeeperson"
- Page 3, line 23, after "existing" insert "republican"
- Page 3, line 23, after "chairman" insert "or democratic-nonpartisan league district committee chairperson"
- Page 4, line 4, after the second "the" insert "republican"

Page 4, line 4, after "chairman" insert "or democratic-nonpartisan league district committee chairperson"

Renumber accordingly